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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,181	04/04/2001	Mark E. Pecen	CS10742	2854

7590

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/826,181	<b>Applicant(s)</b> PECEN ET AL.	
	<b>Examiner</b> Aravind K. Moorthy	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is in response to the RCE filed on 9 November 2005.
2. Claims 1-24 are pending in the application.
3. Claims 1-24 have been rejected.

#### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 November 2005 has been entered.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Specification***

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds the 150-word limit.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: generation of the unique identifier. There is no recitation as to how the unique identifier is generated. There is no recitation in the claim as to which device (client or server) is generating the unique identifier.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnston U.S. Patent No. 6,373,946 B1.**

As to claim 1, Johnston discloses a client device comprising:

a SIM client [column 5, lines 60-60];

a local area receiver [column 8, lines 9-11]; and

a controller storing SIM information received from a mobile device via the area receiver, the controller using the stored SIM information to effect secure communications with the mobile device [column 16, lines 31-49].

As to claim 2, Johnston discloses a wide area transceiver for communicating with a cellular system [column 8, lines 9-11]. Johnston discloses the controller using the SIM information received from the mobile device to authenticate and register on a wide area network [column 15, lines 1-53].

As to claim 3, Johnston discloses that the SIM information is received from the mobile device following transmission of a synchronization command by the client device [column 15, lines 1-53].

As to claim 5, Johnston discloses that execution of a control command is terminated in response to the stored user unit code not being the same as the user unit code received with the control command [column 15, lines 1-53].

**9. Claims 6-13 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindemann et al U.S. Patent No. 6,799,155 B1.**

As to claim 6, Lindemann et al discloses a mobile telecommunications system enabling a client device to remotely access a packet data network through a server device, comprising:

a SIM client within the client device [column 13 line 23 to column 14 line 7];

a first authentication application unit, positioned within the client device, transmitting a fast synchronization command to the server device over the packet data network [column 13 line 23 to column 14 line 7]; and

a SIM client positioned within the server device including an authentication and ciphering unit, generating a user unit code and transmitting the generated user unit code to the client device over the packet data network in response to the first synchronization command [column 13 line 23 to column 14 line 7], wherein the generated user unit code is stored by the client device and by the server device and the authentication and ciphering unit transmits a message to the client device over the packet data network [column 13 line 23 to column 14 line 7], the message including a control command and the user unit code stored in the server device, and wherein the fast authentication application unit compares the user unit code received in the message with the user unit code stored in the client device and executes the control command in response to the user unit code stored in the client device being the same as the user unit code received in the message, and wherein the authentication and ciphering unit establishes an authenticated connection prior to the provision of information services to the client device [column 13 line 23 to column 14 line 7].

As to claim 7, Lindemann et al discloses that the first synchronization command corresponds to a first user input to the client device [column 13 line 23 to column 14 line 7]. Lindemann et al discloses that the authentication and ciphering unit generates the user unit code in response to a second synchronization command corresponding to a second user input to the server device [column 13 line 23 to column 14 line 7]. Lindemann et al discloses the first and second synchronization commands corresponding to a synchronization process between the first authentication application unit and the authentication and ciphering unit [column 13 line 23 to

column 14 line 7]. Lindemann et al discloses that the synchronization process is terminated in response to both the first and second synchronization commands not being input within a predetermined time period [column 13 line 23 to column 14 line 7].

As to claim 8, Lindemann et al discloses that upon receipt of the generated user unit code, the first authentication application unit transmits an acknowledgement message to the authentication and ciphering unit and wherein the authentication and ciphering unit terminates the synchronization process in response to the acknowledgement message not being received within the predetermined time period [column 13 line 23 to column 14 line 7].

As to claim 9, Lindemann et al discloses that the authentication and ciphering unit stores the generated user unit code in response to the acknowledgement message [column 13 line 23 to column 14 line 7].

As to claim 10, Lindemann et al discloses that the first authentication application unit updates the user unit code stored in the client device using a predetermined algorithm and transmits an acknowledgement to the authentication and ciphering unit over the packet data network in response to the user unit code stored in the client device being the same as the user unit code received in the message [column 13 line 23 to column 14 line 7].

As to claim 11, Lindemann et al discloses that the control command is terminated in response to the acknowledgement not being received by the authentication and ciphering unit within a predetermined time period [column 13 line 23 to column 14 line 7].

As to claim 12, Lindemann et al discloses that the authentication and ciphering unit updates the user unit code stored in the second application unit, using the predetermined algorithm, in response to the acknowledgement [column 13 line 23 to column 14 line 7].

As to claim 13, Lindemann et al discloses that the control command is terminated in response to the user unit code stored in the client device not being the same as the user unit code received in the message [column 13 line 23 to column 14 line 7].

As to claim 21, Lindemann et al discloses a first mobile device comprising:

- a SIM client [column 13 line 23 to column 14 line 7];
- a local area transmitter [column 13 line 23 to column 14 line 7];
- a local area receiver [column 13 line 23 to column 14 line 7]; and
- a controller storing SIM information received from a second mobile device via the local area receiver, the controller using the stored SIM information to effect secure communications with the second mobile device [column 13 line 23 to column 14 line 7].

As to claim 22, Lindemann et al discloses a wide area transceiver for communicating with a cellular system [column 13 line 23 to column 14 line 7]. Lindemann et al discloses the controller using the SIM information received from the second mobile device to authenticate and register on a wide area network [column 13 line 23 to column 14 line 7].

As to claim 23, Lindemann et al discloses that the SIM information is received from the second mobile device following transmission of a synchronization command by the mobile device [column 13 line 23 to column 14 line 7].



**10. Claims 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hind et al U.S. Patent No. 6,823,454 B1.**

As to claim 14, Hind et al discloses a method of authentication of a client device utilizing remote multiple access to a server device, comprising the steps of:

generating and transmitting a unique identifier over the packet data network between a client device and the server device [column 18 line 47 to column 19 line 63];

storing the unique identifier at the client device and at the server device [column 18 line 47 to column 19 line 63];

transmitting a control command including the identifier stored at the server device over the packet data network from the server device to the client device [column 18 line 47 to column 19 line 63]; and

determining at the client device whether the transmitted identifier is the same as the identifier stored at the client device and executing the control command in response to the transmitted identifier being the same as the identifier stored at the client device [column 18 line 47 to column 19 line 63].

As to claim 15, Hind et al discloses the step of updating the identifier stored at the client device and at the server device using a predetermined algorithm [column 18 line 47 to column 19 line 63].

As to claim 16, Hind et al discloses that the step of updating the identifier further comprises the steps of:

updating the identifier stored at the client device in response to the transmitted identifier being the same as the identifier stored at the client device [column 19 line 64 to column 21 2];

transmitting an acknowledgement message over the packet data network from the client device to the server device [column 19 line 64 to column 21 2];  
and

updating the identifier stored at the server device in response to the acknowledgement message [column 19 line 64 to column 21 2].

As to claim 17, Hind et al discloses that the control command is terminated in response to the acknowledgement message not being received at the server device within a predetermined time period [column 19 line 64 to column 21 2].

As to claim 18, Hind et al discloses that the control command is terminated in response to the transmitted identifier not being the same as the identifier stored at the client device [column 19 line 64 to column 21 2].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston U.S. Patent No. 6,373,946 B1 as applied to claim 1 above, and further in view of Mann et al U.S. Patent No. 6,219,712 B1.**

As to claim 4, Johnston does not teach that synchronization command is terminated in response to the user unit code not being received by the client device within a predetermined time period.

Mann et al teaches that the synchronization command is terminated in response to the user unit code not being received by the client device within a predetermined time period [column 15, lines 6-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Johnston so that the synchronization command would have been terminated in response to the user unit code not being received by the client device within a predetermined time period.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Johnston by the teaching of Mann et al because it reduces network congestion by decreasing the rate value [column 2, lines 1-11].

**12. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al U.S. Patent No. 6,823,454 B1 as applied to claim 14 above, and further in view of Mann et al U.S. Patent No. 6,219,712 B1.**

As to claims 19 and 20, Hind et al teaches transmitting an acknowledgement message from the client device to the server device over the packet data network in response to receipt of the identifier, wherein the identifier is stored at the server device in response to the

acknowledgement message, as discussed above. Hind et al teaches determining whether the identifier is received at the client device within the predetermined time period. Hind et al teaches terminating the step of generating and transmitting a unique identifier in response to the identifier not being received at the client device within the predetermined time period, all as discussed above.

Hind et al does not teach entering a synchronization command at the server device and the client device within a predetermined time period. Hind et al does not teach transmitting the synchronization command over the packet data network from the client device to the server device. Hind et al does not teach generating the identifier in response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network.

Mann et al teaches entering a synchronization command at the server device and the client device within a predetermined time period. Mann et al teaches transmitting the synchronization command over the packet data network from the client device to the server device. Mann et al teaches generating the identifier in response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network [column 15, lines 6-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hind et al so that a synchronization command would have been entered at the server device and the client device within a predetermined time period. The synchronization command would have been transmitted over the packet data network from the client device to the server device. The identifier would have been generated in

response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hind et al by the teaching of Mann et al because it reduces network congestion by decreasing the rate value [column 2, lines 1-11].

**13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindemann et al U.S. Patent No. 6,799,155 B1 as applied to claim 21 above, and further in view of Mann et al U.S. Patent No. 6,219,712 B1.**

As to claim 24, Lindemann et al does not teach that synchronization command is terminated in response to the user unit code not being received by the client device within a predetermined time period.

Mann et al teaches that the synchronization command is terminated in response to the user unit code not being received by the client device within a predetermined time period [column 15, lines 6-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lindemann et al so that the synchronization command would have been terminated in response to the user unit code not being received by the client device within a predetermined time period.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lindemann et al by the teaching of Mann et al because it reduces network congestion by decreasing the rate value [column 2, lines 1-11].


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*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy   
December 20, 2005

CEL  
Primary Examiner  
Ar2131  
12/21/05